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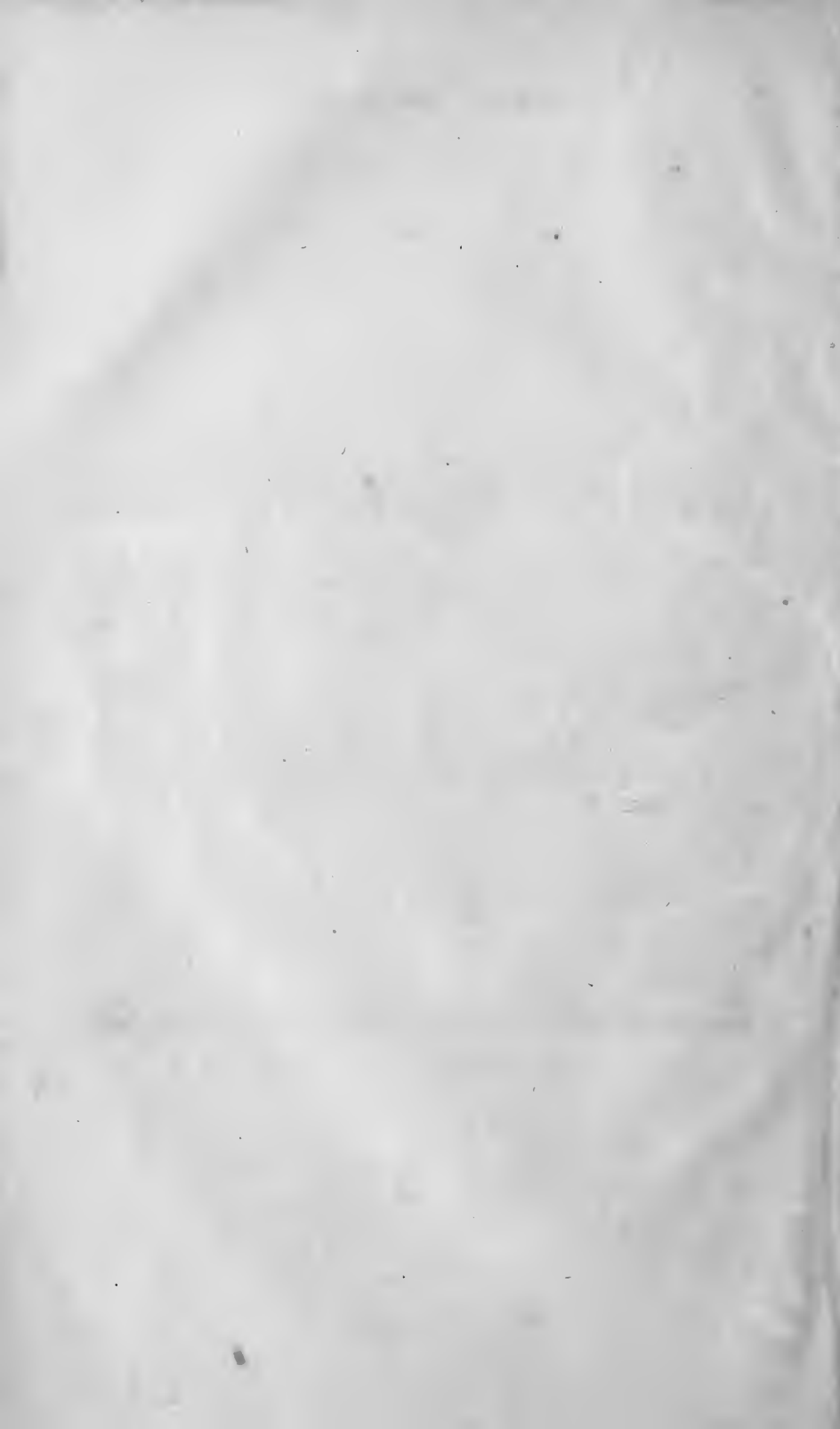
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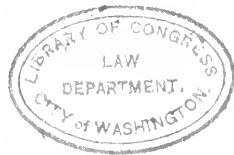




Arkansas. laws, statutes, etc.

COMMON SCHOOL LAWS,

BEING THE



A C T S

IN RELATION TO COMMON SCHOOLS,

PASSED BY THE LAST

GENERAL ASSEMBLY,

AT THE SESSION

Begun and held on the 6th day of November, 1848, and ended
on the 10th day of January, 1849.

PRINTED AT THE GAZETTE OFFICE.

1849.

STATE OF NEW YORK

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THE STATE OF NEW YORK

1849

GENERAL ASSEMBLY

1849

Approved by the Senate and Assembly on the 15th day of January 1849

1849

SCHOOL LAWS.

An act to divide the Seminary Fund and to establish Common Schools.

SECTION.

1. Funds arising from the sale of the seventy-two sections of seminary lands, and the proceeds of the saline lands, to be divided amongst the several counties for common schools purposes.
2. All moneys from seminary or saline lands to be paid to the State treasurer, to the credit of the common school fund: and the treasurer to ascertain the amount due each county, and enter the same to the credit of the county treasurer.
3. On passage of this act each county treasurer to draw from State treasurer the amount due his county, and receipt for the same for the common schools of said county.
4. Said fund to be a perpetual fund and to be kept separate and distinct from all other funds of the county, and the principal to be in no case expended.
5. Each electoral township to be one educational district.
6. On the first Monday in May next, and on the first Monday in May every two years thereafter, three common school trustees, to be elected in each educational district, who shall take an oath before some justice of the peace, faithfully to discharge their duties.
7. County judge to order election of trustees on the 1st Monday in May next, and every two years thereafter, and returns to be made to county court.
8. Trustees to ascertain the number of

SECTION.

- school children in each educational district, and report to the county treasurer.
9. County treasurer to loan out, upon good security, the common school fund, at interest not to exceed 10 per cent., to be paid semi-annually in advance.
10. County treasurer to keep account of common school fund, state amount of interest received semi-annually, and to divide the same amongst the several educational districts.
11. District trustees to employ teachers, upon certain terms and conditions.
12. Trustees to make suitable rules and regulations for the discipline and good order of common schools; to employ no improper person as teacher; to visit schools once in two months, and dismiss teacher if found unfit or incompetent.
13. Trustees to determine amount due to teachers, make out certificate of the same to county court, which court shall, if satisfied of the correctness of the amount, order the county treasure to pay the same.
14. County court to examine books, papers, and vouchers of the county treasurer, relative to the common school fund, and approve or reject the same, as they may be found correct or erroneous.
15. County treasurers may sue and be sued as common school treasurers.
16. New counties to receive a portion of the common school fund of the counties from which they are

SECTION.

- formed, proportionate to the number of school children in said new counties.
17. Secretary of State to cause to be printed the same number of copies of all laws passed in relation to common schools, at each session of the General Assembly, as are printed with the acts; the same to be printed in pamphlet form, and distributed in same manner, and at the same time as the copies of the acts.
 18. After each new census, Treasurer of State to ascertain amount of school fund to be paid to each county, according to the proportion of the new census.
 19. District trustees exempt, during their term of office, from working on roads and serving on juries.

SECTION.

20. School fund not to be expended for books, maps, or stationary.
21. County treasurer to have two per cent. for collecting, and disbursing moneys of the school fund.
22. County treasurer may employ, when necessary, legal assistance to collect moneys due the common school fund, to be audited and adjusted by county court, who shall order the same, if found just, to be paid by county treasurer, out of the school fund.
23. \$250,000 appropriated, to carry out the provisions of this act, out of the proceeds of the sale of the seminary and saline lands.
24. This act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the fund arising from the sale of the seventy-two sections of land donated to the State of Arkansas, for the erection of a Seminary of Learning, and by an act of the Congress of the United States, approved; January the 29th, A. D. 1846, placed at the disposal of the General Assembly of the State of Arkansas, for the use and benefit of Common Schools, in this State, and the proceeds of the sales of the Saline Lands be, and the same is hereby divided between the several counties in this State, now established or hereafter to be established, in proportion to the number of free white children over the age ten years and under that of twenty-one in each, for the purpose of maintaining common schools therein.

SEC. 2. *Be it further enacted,* That all the money now on hand, or that may hereafter be received for the sale of said seminary and saline lands, shall by the land agent or other person having possession thereof, be deposited with the Treasurer of the State to the credit of the common school fund, and it shall be the duty of said Treasurer of State to ascertain the amount due to each county according to the division hereinbefore declared, by reference to the census last taken, and enter the same to the credit of the county treasurer thereof.

SEC. 3. *Be it further enacted,* That immediately after the passage of this act, the county treasurer, of each county, shall draw from the Treasurer of the State the amount due to his county, and shall receipt for the same as so much received for the use of common schools in his county, naming the county.

SEC. 4. *Be it further enacted,* That the fund hereby distributed to the counties shall be a perpetual fund for the benefit of future generations, as well as the present, and shall be kept separate and apart from the other funds of the counties, and in no case shall the

principal be expended, but only the interest arising therefrom, and in no case shall the county treasurer of any county receive in payment of either the principal or interest of the fund, any county script or any other currency, except gold and silver or their equivalent, and all demands against this fund shall be paid in like currency.

SEC. 5. *Be it further enacted*, That each electoral township in the several counties in this State, shall constitute an educational district.

SEC. 6. *Be it further enacted*, That on the first Monday in May next, and on the first Monday in May every two years thereafter, there shall be elected in each of said educational districts, three common school trustees, to be chosen by the qualified voters of the district, each of whom shall be a resident house-holder of the district, at the time of his election, and shall continue so to be during the trust herein imposed, and who shall take an oath before some justice of the peace of his county, well and faithfully to discharge the duties enjoined on them by law, as district trustees of their educational district, during the time they shall continue to act as such.

SEC. 7. *Be it further enacted*, That for the election of said trustees, the county judge shall, on the first Monday of May next and every two years thereafter, require any justice of the peace of each educational district in his county, to hold an election for district trustees, naming in his order the time and place of holding such election, and it shall be the duty of such justice to give notice of such election by written notice, set up in at least two of the most public places in said district, at least ten days before said election; which election shall be conducted in the same manner as is prescribed by law for conducting county and State elections, and their returns shall be made to the county court, at the first term held after such election; which court shall examine the same and declare who are elected.

SEC. 8. *Be it further enacted*, That it shall be the duty of the district trustees of each educational district, immediately after their election shall be declared, to ascertain, by inquiry of the heads of families, the number of free white persons over the age of five years and under that of twenty-one, residing in their district and within one month to report the same to the county treasurer of their county.

SEC. 9. *Be it further enacted*, That the county treasurer of the several counties shall loan from time to time, but not for a longer period than one year, all moneys received by them for common school purposes, from every source, to good and solvent persons, residents of the county, for the greatest amount of interest that can be obtained, to be paid semi-annually in advance, but not to exceed ten percent. per annum; and they shall require of those who borrow the

money, good and sufficient security, either real or personal, to be approved of by the presiding judge of the county court, and it shall be their duty whenever the person or persons so borrowing the money shall fail to pay the interest thereon as herein required, to institute suit or by other means collect the principal and interest and to reloan the principal to others, according to the rules and restrictions hereinbefore prescribed, and no person who shall fail to pay punctually the interest or principal of this fund whenever the same shall be due, shall be permitted to borrow any portion of the fund forever thereafter.

SEC. 10. *Be it further enacted*, That the county treasurer of each county shall keep an account of all money received by him from every source for common school purposes, and shall state the amount total of interest received by him at each semi-annual payment; which interest he shall divide between the several educational districts of his county, according to the number of free white persons over the age of five years and under that of twenty-one, and he shall enter the amount due to each district, at each semi-annual payment, to the credit of that district; which amounts he shall pay over to such persons and at such times as the county court of his county shall order.

SEC. 11. *Be it further enacted*, That whenever the district trustees of any educational district shall deem it expedient and ascertain that there is in the hands of the treasurer of their county, belonging to their district, a sufficient fund, either with or without the aid of voluntary subscription, to employ a teacher, they shall employ one or more competent persons, upon the lowest terms possible, to teach in such place or places as the trustees shall deem to be most convenient and suitable to the inhabitants, preparatory schools for the education of all free white children within the district, between the age of five and twenty-one years.

SEC. 12. *Be it further enacted*, That for the good government of the schools to be established by the provisions of this act, it shall be incumbent on the district trustees to make such rules and regulations for the management and conducting thereof, as may seem to them most conducive to the welfare and advancement of the pupils, and they shall in no case employ a dissolute, intemperate, or otherwise worthless teacher, and it shall be the duty of each of the district trustees to visit each of said schools in their district, at least once in every two months, while the same is in session, and whenever said trustees are of opinion that any teacher employed by them, is not doing his duty as such teacher, they may, at any time, discontinue such school, and such teacher shall only be entitled to compensation for the time he may have taught, at the same rates at which he had been employed for any longer time.

SEC. 13. *Be it further enacted*, That whenever the district trustees shall have determined the amount due to any teacher from the

common school fund of their district, they shall make a certificate to the county court of their county, stating the length of time such teacher taught, the number of scholars, and the amount due, which certificate shall be presented to the county court, and if said court is satisfied that there is no injustice in the same, it shall order the treasurer of the county to pay the amount thereof, or so much thereof, as shall be found to be just, and charge the same to the educational district in which such school was taught.

SEC. 14. *Be it further enacted,* That all the books, vouchers, and accounts of the county treasurer's, relative to the common school fund shall, at the first term of the county court, after the 1st day of January, in every year, be presented to said court, and examined thereby, and approved, if found to be correct or rejected and accounts disallowed, as the court may deem just and proper; and each county treasurer, and his securities on his official bond, shall be liable for any waste or mismanagement of the common school fund in his hands.

SEC. 15. *Be it further enacted,* That the county treasurers of the several counties in this State, shall, as common school treasurers, be capable of suing and being sued, may plead and be impleaded, in any court of this State, having jurisdiction of the subject matter of the suit.

SEC. 16. *Be it further enacted,* That when any new county shall be established as soon as it shall be laid off into electoral townships, and the officers elected as herein provided for, it shall be the duty of the district trustees to ascertain by enquiry of the head of each family, the number of free white persons, between the age of five and twenty-one years, residing in the territory stricken off of each of the counties from which such new county shall be taken, and report the same to the treasurer of the new county made, who shall draw on each of the treasurers of the counties from which such new county may have been taken, for an amount equally proportioned to the whole amount of common school funds in his hands, as the number of children in the territory stricken off is to the whole number in the old county before the new was established; which fund so drawn for and received by the treasurer of any new county, hereafter established, shall be used and applied in the same manner and for the same purposes, in every respect, as herein provided for in the counties already established.

SEC. 17. *Be it further enacted,* That it shall be the duty of the Secretary of State to procure the printing of the same number of copies of all the laws passed at each session of the Legislature, relative to common schools, in pamphlet form, as is printed of the acts of the Legislature, which shall be distributed in like manner as the acts of the Legislature, to the clerks of the county courts, for the use of the district trustees in their county.

SEC. 18. *Be it further enacted,* Upon every new census; as taken

by the authority of this State, it shall be the duty of the treasurer to ascertain the amount due each county, as fixed by the rule of distribution by section first of this act, and in his future distribution of said fund shall distribute in accordance with said census, taking into consideration the amounts heretofore distributed to the several counties.

SEC. 19. *Be it further enacted*, That the district trustees, herein provided for, shall be exempt from working on roads and serving on juries during the time they shall continue to discharge the duties of district trustees.

SEC. 20. *Be it further enacted*, That no portion of said school funds shall ever be expended for books, maps or stationary, to be used in said common schools.

SEC. 21. *Be it further enacted*, That the several county treasurers shall hereafter receive two per cent. per annum, only on all the money that may come to their hands belonging to said common school fund, for the safe keeping, disbursing and loaning the same.

SEC. 22. *Be it further enacted*, That whenever it shall become necessary for the county treasurer to enforce the collection of any money due his county, for the purposes of common schools, he may employ legal aid, whose account for such professional services as he may render, shall be audited and adjusted by the county court, and the court shall make an order directing the county treasurer to pay the same out of the common school funds in his hands, and the treasurer shall pay the same accordingly on demand.

SEC. 23. *Be it further enacted*, That the sum of two hundred and fifty thousand dollars be, and the same is hereby appropriated out of the proceeds of the sales of said seminary and saline lands to carry out the provisions of this act; and the Treasurer of the State is required to pay out the same to the treasurers of the several counties as fast as it accrues, according to the provisions of this act.

SEC. 24. *Be it further enacted*, That this act take effect and be in force from and after its passage.

M. W. IZARD, *Speaker pro tem.*
of the House of Representatives.

R. C. BYRD, *President*
of the Senate.

Approved: January 5th, 1849.

THOS. S. DREW.

An act concerning Common Schools.

SECTION.

1. County commissioners of common schools whose election and appointment are provided for in the chapter 145 of the Digest, to take an oath faithfully to perform the duties of their office, and to give bond, to account for and pay over all moneys of the school fund, and distribute all the school-books that may come into their hands, to be filed and recorded in the clerk's office.
2. In case of the absence, resignation or removal of any township commissioner, county court to order an election to fill such vacancy, in the manner prescribed by law.
3. Upon petition of any inhabitants of township showing a vacancy in the office of township commissioner,

SECTION.

- to the county court, the court to order an election to be held as provided by law.
4. In absence of any township commissioner, so that an election for trustees of common schools cannot be had, any township commissioner may hold an election, within 60 days from the passage of this act, and trustees so elected to give bond and fulfil duties now prescribed by law.
 5. County commissioners may draw any school funds in the hands of county treasurer, and distribute the same to the township commissioners for common schools; all books may be distributed in like manner.
 6. This act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county commissioners of common schools of each county, whose election and appointment is provided for by sec. 39, chap. 145 of the Digest of the Statutes of Arkansas, shall before they enter upon the discharge of their duty as such commissioners, take an oath faithfully to demean themselves in office, and account for all moneys paid to them for school purposes; and that said county school commissioners shall also enter into bond to the State of Arkansas, for the use of common schools of their respective counties; conditioned that they will account for all moneys and books coming into their hands as such commissioners, and to distribute the same as prescribed by law, which said bond shall be approved of by the county court of the proper county, and filed and recorded in the clerks office thereof.

SEC. 2. *Be it further enacted,* That in case of the absence, resignation, or removal, of any township commissioner, it shall be the duty of the county court, of the proper county, to make an order directing the justice of the peace, or any one of them, of the township in which said commissioner resides, to hold an election to fill said vacancy, in the same manner as is now provided for the election of said commissioners, and all resignations of any such commissioners shall be made to the proper county court.

SEC. 3. Upon the petition of any of the inhabitants of any such township to the county court, setting forth a vacancy in the office of township commissioner, the court shall cause an election to be held as provided for by this act.

SEC. 4. *Be it further enacted,* That in case of the absence of any such township commissioner, so that an election for trustees of common schools cannot be held at the time now prescribed by

law, said offices shall not be deemed vacant, and any township commissioner may hold an election for the purpose of electing said trustees, at any time within 60 days from the passage of this act; said election to be held in the same manner as now prescribed by law, which said trustees, when so elected, shall give the like bond, and perform the like duties, as are now required by law.

SEC. 5. *Be it further enacted*, That any funds in the hands of any county treasurer for school purposes shall be drawn from said treasurer, by the county commissioners, and distributed by them in equal portions to the above commissioners of any township of any school organized, agreeably to the present law, in relation to common schools; and all books for common school purposes, may be distributed in like manner, to any school which may be organized.

SEC. 6. *Be it further enacted*, That this act be in force from and after its passage.

M. W. IZARD, *Speaker pro tem.*
of the House of Representatives.

R. C. BYRD, *President*
of the Senate.

Approved: January 8th, 1849.

THOS. S. DREW.

An act concerning the sale of the sixteenth sections of land, or any part thereof.

SECTION.

1. Purchaser of any part of any sixteenth section from any commissioner, paying the purchase money and interest to such commissioner, to receive a fee simple deed from said commissioner, which may be recorded as any other deed.
2. Upon payment being made to such commissioner he shall cancel and deliver up to the purchaser his

SECTION.

- notes or obligations executed for any part of said sixteenth sections, and shall require of him the certificate of purchase, and endorse on the certificate that a deed has been executed, and enter the same upon his record.
3. Conflicting laws repealed.
4. This act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That, whenever any purchaser or purchasers of any part or portion of any sixteenth section of land, which has been sold, or which may hereafter be sold, by any commissioner of any of said sixteenth sections of land, shall tender and pay to any such com-

missioner the purchase money and all interest arising and due thereon for any part or portion of any sixteenth section of land, it shall be the duty of any such commissioner, at any time after any such sale, to make a deed to any such purchaser for the land purchased by him conveying to him, his heirs, or assigns, a fee simple title for said tracts or lots of land, and which deeds may be acknowledged, and recorded in the same manner as other deeds.

SEC. 2. *Be it further enacted*, That, upon any such payment being made as aforesaid, specified in the preceding section, by any such purchaser, the commissioner of any township as aforesaid, shall surrender to any such purchaser, the obligations executed for said tract or lots of land, cancelled and discharged; and the said township commissioner shall require from said purchaser, the certificate or certificates of purchase by him issued to said purchaser, and endorse on such certificate, that a deed hath been executed therefor, and shall so state upon the record by him kept, on the margin of the page of the book, on which said certificate is recorded.

SEC. 3. *Be it further enacted*, That any law, in conflict with the provisions of this act be, and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

M. W. IZARD, *Speaker pro. tem.*
of the *House of Representatives*
R. C. BYRD, *President*
of the *Senate*.

Approved: Dec. 26th, 1848.

THOS. S. DREW.

An act to empower the county courts of the county of Mississippi to appoint trustees for township number ten, north of range number ten, east.

SECTION.

1. County court of Mississippi county empowered to appoint 3 trustees for the school section, in township 10 north, range 10 east, of the 5th principal meridian, who shall remain in office until the next general election, with all the powers and duties of trustees given by law.

SECTION.

2. Said trustees authorized to lease out said 16th section for one year, and to sue for, and collect any and all arrearages of rent which have, or may accrue.
3. This act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of Mississippi county is hereby empowered to appoint three trustees for the school section in township number ten, north of range number ten east of the 5th principal meridian, who shall remain in office until the next general election, and shall exercise all the power and authority, and discharge all the duties and obligations imposed on trustees, according to sections 9, 18, 19, and 21 of chapter 145, Revised Statutes, by English.

SEC. 2. *Be it further enacted,* That such trustees, when so appointed and duly qualified, shall have authority to lease out said 16th section for a term not exceeding one year, and to demand, sue for, and recover all rents or arrearages of rent due for the same, and to demand, sue for, and recover all moneys in the hands of any trustee heretofore appointed for said 16th section, which may have been collected by him in his capacity of trustee, or by color of such authority, in any court of competent jurisdiction.

SEC. 3. *Be it further enacted,* That this act shall be in force from its passage.

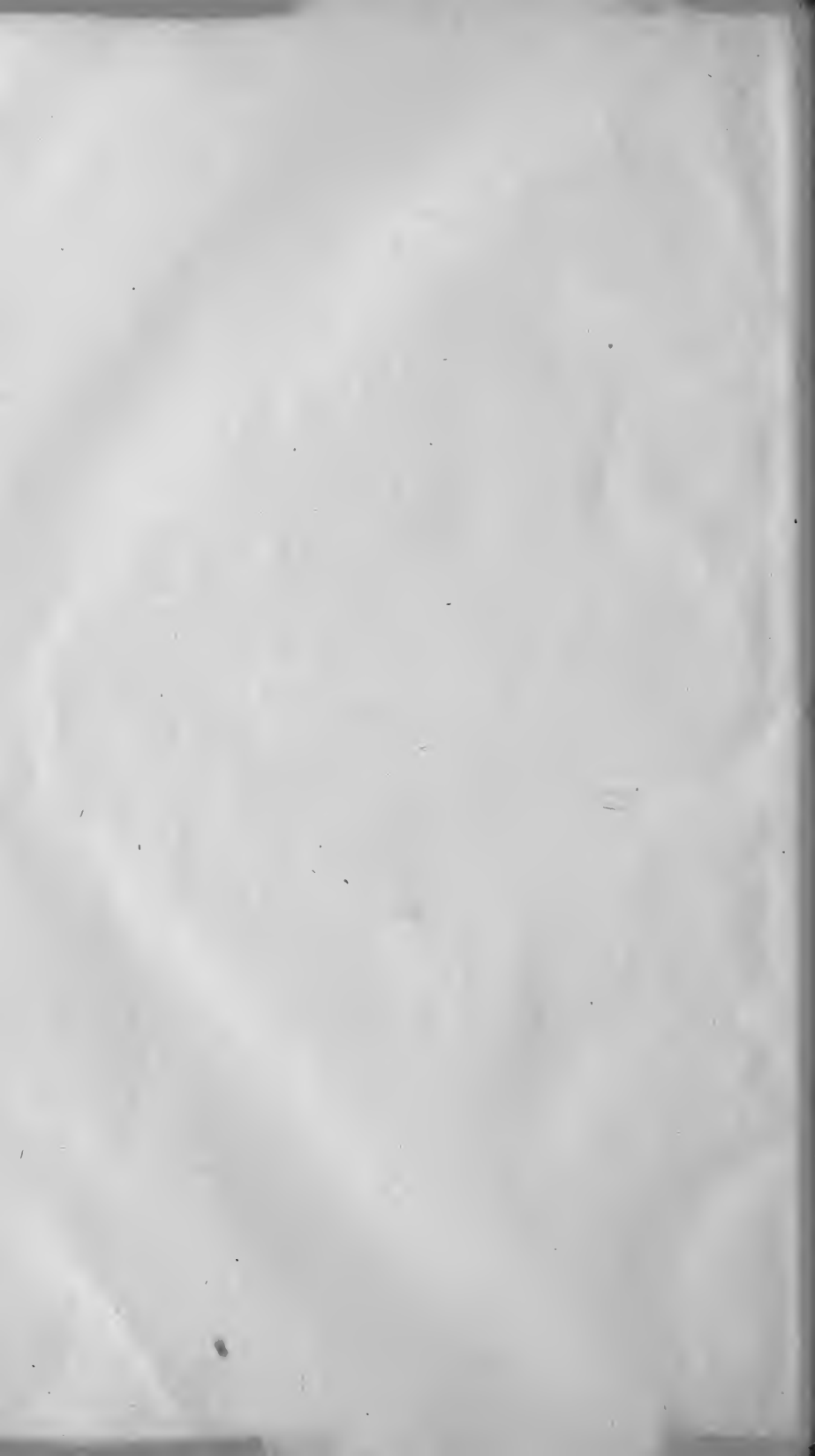
M. W. IZARD, *Speaker pro tem.*
of the *House of Representatives.*

R. C. BYRD, *President*
of the *Senate.*

Approved: Dec. 27th, 1848.

THOS. S. DREW.











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